

MESSAGE NO: 3015207 MESSAGE DATE: 01/15/2003

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 0216205
MESSAGE #
(s):

CASE #(s): A-570-848

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 03/26/1997 TO 08/31/2001

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION OF CRAWFISH FROM CHINA (A-570-848)

MESSAGE NO: 3015207

DATE: 01 15 2003

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 0216205

REFERENCE DATE: 08 03 2000

CASES: A - 570 - 848

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PERIOD COVERED: 03 26 1997 TO 08 31 2001

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION OF CRAWFISH FROM CHINA (A-570-848)

1. ON OCTOBER 24, 2002, IN OCEAN HARVEST WHOLESALE INC. V. UNITED STATES (COURT NO. 00-05-002431), PLAINTIFF FILED WITH THE U.S. COURT OF INTERNATIONAL TRADE (CIT) ITS STIPULATION OF DISMISSAL. THEREFORE, PLAINTIFF HAS DISMISSED THE ACTION. THESE INSTRUCTIONS REPLACE OUR PREVIOUS INJUNCTION INSTRUCTIONS DATED AUGUST 3, 2000, MESSAGE NUMBER 0216205. THE INJUNCTION THAT WAS PREVIOUSLY IN PLACE IS NOW LIFTED SINCE PLAINTIFF HAS DISMISSED ITS CASE.

2. IN ACCORDANCE WITH THE SETTLEMENT AGREEMENT, YOU ARE NOW INSTRUCTED TO LIQUIDATE ALL SHIPMENTS OF FRESHWATER CRAWFISH TAIL MEAT FROM THE PEOPLE'S REPUBLIC OF CHINA EXPORTED BY THE EXPORTER LISTED BELOW AND ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE PERIOD MARCH 26, 1997 THROUGH AUGUST 31, 1998, IN ACCORDANCE WITH THE RATES BELOW, EXCEPT THAT, IF A BOND OR CASH DEPOSIT WAS COLLECTED AS SECURITY FOR AN ESTIMATED ANTIDUMPING DUTY FOR ANY SHIPMENT OF MERCHANDISE THAT WAS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE

PERIOD MARCH 26, 1997 THROUGH SEPTEMBER 18, 1997, ASSESS A DUMPING LIABILITY EQUAL TO THE (MARGIN) PERCENT OF THE ENTERED CUSTOMS VALUE OR EQUAL TO THE AMOUNT OF THE BOND OR CASH DEPOSIT, WHICHEVER IS LESS. THE FOLLOWING RATE IS APPLICABLE IF THIS MERCHANDISE WAS EXPORTED BY THE COMPANY LISTED AS THE EXPORTER.

ID NUMBER	COMPANY NAME	RATE
	(PERCENT)	

A-570-848-008	NANTONG DELU AQUATIC FOOD CO., LTD	
	MARCH 26, 1997 THROUGH AUGUST 31, 1998	201.63

A-570-848-011	YANCHENG FOREIGN TRADE CORPORATION	
	MARCH 26, 1997 THROUGH AUGUST 31, 1998	108.05

3. IN ADDITION, THE DEPARTMENT RESCINDED THE REVIEW FOR THE FOLLOWING COMPANIES AND PERIODS, AS LISTED BELOW. THEREFORE, YOU ARE INSTRUCTED TO LIQUIDATE ALL SHIPMENTS OF FRESHWATER CRAWFISH TAIL MEAT FROM THE PEOPLE'S REPUBLIC OF CHINA EXPORTED BY THE EXPORTER LISTED BELOW AND ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE PERIODS LISTED BELOW. ASSESS AN ANTIDUMPING LIABILITY EQUAL TO THE CASH DEPOSIT RATE IN EFFECT ON THE DATE OF ENTRY FOR THE RELEVANT EXPORTER.

ID NUMBER	COMPANY NAME
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A-570-848-008	NANTONG DELU AQUATIC FOOD CO., LTD.
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SEPTEMBER 1, 1998 THROUGH AUGUST 31, 1999
SEPTEMBER 1, 1999 THROUGH AUGUST 31, 2000
SEPTEMBER 1, 2000 THROUGH AUGUST 31, 2001

A-570-848-011 YANCHENG FOREIGN TRADE CORPORATION

SEPTEMBER 1, 1999 THROUGH AUGUST 31, 2000
SEPTEMBER 1, 2000 THROUGH AUGUST 31, 2001

4. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE CUSTOMS SERVICE ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930, AS AMENDED (THE ACT). SECTION 778 OF THE ACT REQUIRES THAT CUSTOMS PAY INTEREST ON OVERPAYMENTS AND ASSESS INTEREST ON UNDERPAYMENTS OF THE REQUIRED

AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

5. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CUSTOMS SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT'S REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CUSTOMS SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT RESPOND TO YOUR FORMAL REQUEST (VIA CF 28 OR 29) FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CUSTOMS SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT ELFI BLUM OR MAUREEN FLANNERY AT 202-482-0197 OR 202-482-3020, OFFICE OF AD/CVD ENFORCEMENT VII, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE.

7. THERE ARE NO RESTRICTIONS ON RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party